



A Publication of the
CHIROPRACTIC EXAMINING BOARD

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Governor Appoints Oscar Herrera as Secretary of Department of Regulation and Licensing.

Governor Scott McCallum announced on March 29, 2001, that Oscar Herrera would head the Department of Regulation and Licensing. As a 16-year state employee, Herrera brings a wealth of experience and knowledge of state government to his new position.

Born and raised in Mexico City, Herrera received a bachelor's degree in economics and a master's degree in agricultural economics from universities in Mexico. At the University of Wisconsin-Madison, he received a master's degree in continuing and vocational education and completed his doctoral studies in development.

Herrera joined the Wisconsin Coastal Management Program in 1985 and became director of the Program in 1992. For 14 years

he was involved with the Federal Consistency Regulatory Program managed by the Wisconsin Coastal Management Program and oversaw enforcement of state policies in the coastal zone of Wisconsin (Wisconsin Great Lakes Coastal counties.)

From 1999 to his appointment as Secretary of Department of Regulation and Licensing, he was director of the Bureau of Minority Business Development in the Department of Commerce.

Secretary Herrera looks forward to his new responsibilities and leading the Department of Regulation and Licensing.

CPR and Specific Continuing Education Topics

On July 1, 2001, two important changes to chiropractic licensure requirements became part of the administrative code.

The first change creates a requirement that as part of his or her biennial license renewal, every chiropractor shall submit "evidence that the licensee is certified in cardiopulmonary resuscitation". Chir 3.02(1)(d) and Chir 3.09. Chiropractors should obtain this certification before the next biennial renewal date, 12-31-02.

The second change will not have an effect until January 1, 2003, but it will create a requirement that during the biennium from 1-1-03 to 12-31-04, every chiropractor must obtain CE in

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certain specific topics: at least 4 CEs in radiology and at least 4 CEs in ethics, of which at least 2 must be in boundary issues. Chir 5.01 (1) (c) and (d).

Advertising Physical Therapy Services

Licensed chiropractors may provide physical therapy or physiotherapy services and, under the rules of delegation, chiropractor may delegate physiological therapeutics to qualified unlicensed persons. Chir 10.05. As a general rule, however, chiropractors are not allowed to advertise physical therapy or physiotherapy services.

This restriction was created in 1996 along with other changes related to physical therapy, and the actual language is contained not in the chiropractic rules and statutes but in the physical therapy statute, section 448.51(2), Stats. An exception was included for chiropractors who had advertised such services prior to October 17, 1995. The relevant portions of the statute are as follows:

- a. If, anytime before October 17, 1995, the chiropractor claimed in an advertisement to render physical therapy or physiotherapy services, the chiropractor may continue to claim to render physical therapy or physiotherapy services in an advertisement ...
- b. The chiropractor may claim to render physical therapy or physiotherapy services in private communications with an individual who is a patient or prospective patient ...

Department Approves Drug Testing Programs

The Department of Regulation and Licensing now has the authority to approve programs authorized to manage the drug testing for licensees required to submit to drug tests. The boards or the Department may under certain circumstances order a credential holder to submit to random drug testing following an investigation involving the abuse of alcohol or other drugs. The Department also administers the Impaired Professionals Procedure (IPP), a non-disciplinary monitoring program available to credential holders who self-report alcohol or drug abuse before serious harm has occurred. If

you are currently required to submit to drug testing and want more information about enrolling in an approved program, contact the Impaired Professionals Procedure Coordinator at (608) 267-9883.

Impaired Professionals Procedure

Chemical dependency is rampant in the United States. Research shows at least 1 in 10 persons in this country are abusing alcohol, illicit street drugs and/or controlled substances. Professionals are not immune from this deadly illness. The Department of Regulation and Licensing has a program available to deal with the ever-increasing problem. The Impaired Professionals Procedure (IPP) is a non-disciplinary monitoring program available as an alternative to the disciplinary process if a drug and/or alcohol problem is identified and dealt with before serious harm has occurred. The goal of the procedure is to protect the public by offering credential holders an opportunity for rehabilitation and safe return to professional practice. Self-reporting to the IPP provides professionals with assistance in obtaining treatment for chemical dependency without disciplinary action being taken against the license. Participation encourages ongoing commitment to treatment and recovery.

The Impaired Professionals Procedure is available through the department for those professions it directly credentials, as well as to all boards attached to the department. Once a professional is determined to be eligible, the credential holder must agree to an assessment for chemical dependency conducted by a qualified treatment provider within his or her community. The results of the assessment are considered when establishing requirements for participation. The requirements for monitoring include: an agreement to participate for a specified period of time (2-5 years depending on the profession); an agreement to actively participate in treatment for chemical dependency with an approved treatment facility or therapist; an agreement to abstain from alcohol and other drugs not prescribed for a valid medical purpose; an agreement to attend Alcoholics or Narcotics Anonymous; and an agreement to submit to random, monitored urine/blood screens for chemical substances. In

most cases, work supervision is also required. Other restrictions may be included if deemed necessary to protect the public.

The credential holder's progress is monitored through quarterly reports from the participant and from the treatment provider and work supervisor. In cases of serious or continuing violations, a referral to the Division of Enforcement and the regulatory authority may be required which could lead to limitation, suspension or revocation of the professional license.

Participation in IPP and compliance with requirements allows the credential holder to retain his/her professional credential. The fact that a credential holder is participating in IPP is not routinely available as public information.

Participation in IPP is voluntary for those credential holders who are deemed eligible. The alternative to participation in IPP may be referral to the Division of Enforcement for possible disciplinary action.

For information about the Impaired Professionals Procedure, call (608) 267-9883.

Right to Grievance

If one of your patients disagrees with a decision by a managed care plan, the patient has a right to file a grievance. All managed care plans and limited service health organization (LSHO) are required to have an internal grievance procedure, and to provide each enrollee with complete and understandable information about how to use the grievance procedure. For further information, you may contact the Office of the Commissioner of Insurance, P.O. Box 7873, Madison, WI 53707-7873, (608) 266-0103 or (800) 236-8517.

Disciplines

MICHAEL S RUSAK DC

LA CROSSE WIREPRIMAND

Failed to fully evaluate and document the conditions of two patients or his treatment of them. Ordered to complete a 12 hours course on chiropractic risk management substantially equivalent to that offered by NCMIC; a 12 hours course in physical diagnosis; and a 12 hour course in physical examination, within one year. Effective 5/10/2001. Sec. 446.03(5), Stats. Chir 6.02(9) Case #LS0105101CHI

JOHN W ZASTROW DC

MARSHFIELD WI

REPRIMAND/COST

On several occasions in 1999 he performed chiropractic adjustments on animals without the direct supervision of a licensed veterinarian. Had obtained training in the care of animals in conjunction with his chiropractic education and was unaware of the requirements for direct supervision by a licensed veterinarian. Costs of \$150.00. Effective 5/10/2001. Secs. 446.01(2), 446.03(5), 453.05, Stats. Chir 6.02(4),(25), VE 7.02(5) Case #LS0105102CHI

Telephone Directory

Automated Phone System for Chiropractic, Acupuncture, Massage Therapists/Bodyworkers, Music Art & Dance Therapists, Marriage & Family Therapists, Nursing, Optometry, Professional Counselors, Psychology, & Social Workers: (608) 266-0145.

Press 1 To Request an Application

Press 2 Status of a Pending Application

Press 3 Verification of Credential Holder

Press 4 Name and Address Changes

To Request the Wisconsin Statutes and Administrative Codebook

Complaint Against a Credential Holder

Renewal of a Credential

Legal Questions

Press 5 To repeat this menu or if you are calling from a rotary telephone, stay on the line and your call will be answered in the order received.

FAX: (608) 261-7083

To request a license application for your profession, just dial (608) 266-0145, then enter the Quick Keys number below for the profession that you want:

Application to register for examination Press 1-5-1-2

Continuing Education Information/Application Press 1-5-1-3

Chiropractic Endorsement Press 1-5-1-1

Temporary Permit Application Press 1-5-1-3

Re-Registration

(Any profession expired 5 years or more)

Department of Regulation and Licensing
Chiropractic Examining Board
P.O. Box 8935
Madison, WI 53708-8935

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RETURN SERVICE REQUESTED

Licensure Verifications

Verifications are now available online at www.drl.state.wi.us
Once you have accessed the Department website, please click on
"Business and Professional License Lookup."

If you do not use the online system, then all requests for
verification of licenses/credentials should be submitted in
writing. There is no charge for this service. Requests should be
sent to the Department address or may be faxed to
(608) 261-7083, Attention: Verifications.

Endorsements

Requests for endorsements to other states must be in writing.
The cost is \$10. Please make check or money order payable to
the Department of Regulation and Licensing.

2001 Meeting Dates

October 11 and December 13

2002 Meeting Dates

January 18, February 21, March 21, April 18, May 23, June 20,
July 18, August 22, September 19, October 17, November 21
and December 19.

Visit the Department's Web Site

<http://www.web@drl.state.wi.us/>
Send comments to dorl@drl.state.wi.us

Digests on Web Site

Complete copies of the September, 1997, September, 1998,
March, 1999, October, 1999, May, 2000 and September, 2000
Regulatory Digests are on the Web.

Wisconsin Statutes and Code

Copies of the Chiropractic Statutes and Administrative Code can
be ordered through the Board Office. Include your name,
address, county and a check payable to the Department of
Regulation and Licensing in the amount of \$5.28. The latest
edition is dated June, 2000.

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**SECTION 440.11 OF THE WISCONSIN STATUTES
ALLOWS FOR A \$50 PENALTY TO BE IMPOSED
WHEN CHANGES ARE NOT REPORTED WITHIN
30 DAYS.**

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